G. R. S. 59]

GENERAL AND REVENUE SECRETARIAT.

1897–1898
~~19~~ .

(Muzrai)

(Section)

File No. 36

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

File relating to the appeal of one Kade gowda, patel of Chickkanahalli Village & Channapatna Taluk, against the order of the Bangalore Dist. Deputy Commr. for having levied a fine on the appellant in connection with the disobedience of the orders by the Amildar about the temple affairs

PREVIOUS REFERENCES. LATER REFERENCES.

Note

Subject.

Petition No. 3213/1913 dated 13th May 1912 from Jogera Kallappa and others of Kalla devarapura in the Jagalur Taluk, appealing against the Chitaldrug Deputy Commissioner's order directing that no procession of the deity, Sri Kalleswara Swamy shall be conducted without obtaining a license from the District Magistrate.

The Petitioners pray as follows:—

(1) The restrictions placed upon them to obtain licenses for conducting Utsavams may be removed.

(2) That the appointment of Dharmadarsis to the Temple of Sri Kalleswara Swamy of

of which they (Petitioners) are the owners, should not be sanctioned.

~~(2)~~

From the District Magistrate's order* dated 21st April 1902, it will be observed that the temple above referred to, is under the management of the Muzrai Department and that the District Magistrate passed the prohibitory order complained of, in order to prevent breaches of the peace likely to be occasioned by the existence of two factions in the village.

* copy of which is submitted by the Petitioners.

The petition may perhaps be transferred to the Muzrai Department for disposal.

The question of appointment of Dharmadarsis has been considered and settled for other districts.

H.C. transferred to Muzrai Dept.

25/10/02

1904

MUZRAI SECRETARIAT

OFFICE NOTE.

File No. 536-04-5

SUBJECT.

Appeal of Kade Gowda, Patel of Chickanahalli village Channapatna Taluk against the Dy Comr's order imposing a fine on the appellant.

From

The Revenue Commissioner in Mysore

No. 4994 Dated 15th December 1904

Submits for orders of Govt, papers relating to the above appeal.

No 6827 29.12.1904.

Forwarded to the Muzrai Secy to Govt for favour of opinion.

Sd/ R.K. Venkatadarieya
Secy in the R. R. Departmt.

No 32782 28.2.1905 En 2 files

Muzrai Secretary's Remarks:—

The circumstances under which the Patel was fined by the Dy Comr, are explained

in my note placed in the linked file no 36-97 and the Dewan's proposed decision is recorded on page 8 of the said note. This decision would have been communicated by the Commissioner then and there, had there not been a question as to who should issue the order, and the case was sent to the Revenue Commissioner for disposal under the Dewan's orders.

Referring to the Revenue Commissioner's doubts as regards the power of Amildars to interfere in the affairs of temples endowed by Government, it will be seen from Government Pro: no 223-30 Munif. 11-96 dated 16th August 1896 (copy here with put up) that temples endowed with land inams or cash grants are subject to the control of Government in the Inspection Department. The Amildar is primarily responsible for the efficient management of all temples endowed by Government and it is he that has to take action against irregularities in connection with such temples.

J

I cannot therefore understand how the Revenue Commissioner holds that the Amildar's action in the present case ultra vires.

As regards the obligation of the Patel, Kade Gowda, he was in my humble opinion bound to bring the irregularities in connection with the fraudulent sale of the trees belonging to the Temple to the notice of the proper Department, just as he would have had to do in the case of the Forest, Excise and other Departments and his failure to do so in the present case and his connivance with the fraudulent act rendered him liable to punishment at the hands of Government in the Revenue Department under which he was employed.

I think, therefore, that the Amildar and the Deputy Commissioner's action

Muzrai Secretariat. | File No. of 190

in furnishing the Patels should be upheld by Government.

—Forwarded to the Secretary to Government, Generals and Revenue Departments in reply to his No. 68 dy 29th December 1904.

Signed C. Anantasami Rao.
Secretary to Govt, Mug Depart

Bangalore
27th Feb 1905

MUZRAI

19 —19

From The Secretary, Muzr. Dept

To The Secretary to Govt

Revenue & Genl. Deptt

Dated / Bangalore

Despatched April 1905—

Received

General No. 3687
Muzrai F. No. 36-97.

Enclosure

Has the honor to request that ~~25~~ 50 share Cowries of Govt Pro: No R 8390 / Mis 536-04-2 dy 10th March 1905 passing orders on the fine imposed on Kade Gowda, Patel of the Chickanahalli village in the Channapatna Taluk for not bringing the irregularities in connection with the fraudulent sale of the trees belonging to the Sri Anjaneya Swamy temple at Chickanahalli

to the notice of the proper Departt, ~~if not noticed~~, may be kindly caused to be forwarded for distribution to all the Deputy Comrs ~~and Asst Comrs except~~ for their future guidance.

~~Bungalow for information~~

Requisite also would be entire file maybe kindly sent to this office for reference -

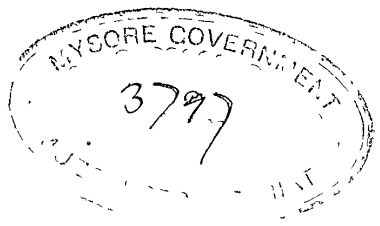
BO

Dft 30/3/05

Secretary

for
30/3/05

190 .



Sent with a def-
returning the file
with thanks
Rev
12/4/05

From

B.K.Venkata varada Iyengar,Esq.,

Secy. to the Govt. of His Highness the Maharaja of Mysore, Genl. and Rev. Depts.

To

The Secretary,
Muzrai Department.

Dated 12th April 1905.

Despatched

Received

General No. R. 10016
No. Muz 536-04-4

Index No. B Collection
M 536 S&I-2

His Docket No. 8437 56-60 dated the 1st Instant requesting that 50 spare copies of Government Proceedings No. P.8390-1 /Mis.536-04-2 dated the 10th March 1906 may be sent to him for distribution among all the Deputy Commissioners, together with the entire file.

With reference to the above, has the honor to forward herewith for reference and kind return the entire file of papers relating to the appeal of Patel Kede Gowda and to state that the Government Order referred to was not printed.

" By Order "

For Secretary.

MUZ AI

19 —19

FROM The Secretary Muz Departt

To The Secretary to Govt

General & Rev: Departts

Dated 2 Bangalore

Despatched May 05—

Received

General No. 4090 one file

Muzrai F. No. ~~536 24 1897~~

Enclosure (Muz F 36-1897)

Has the honor to return with thanks the file relating to the appeal of Patel Kade Gowda of Chickanahalli in the Channapatna which was forwarded with his no R 10016 dt 12th Ult Mis 53604-4

1905. By order

Sd/ Secretary

MGCPB—2,000—9-6-02

Monzgai File 36-1897

From No 1660 97.

Appeal of Patel Samblingegowda re his dismissal for alleged dereliction of Monzgai duty.

No. 1892 dated 26th October 1905

Monzgai F. No. 36-97 is herewith forwarded to the Secretary to Govt. Genl & Revr Dept. His reference is invited to the Office Note Contained Therein and to the Govt. Proc. No. 8390-1 dated his 536-04-2 10th March 1905 passed thereon

By Order

Sd) L. Ruddiraswamy Rau
Secretary. Revr Dept.

1905-06

From
B.V.Venkata Varada IyengarEsq.,
Secy. to the Govt. of His Highness
the Maharaja of Mysore,
Genl. and Rev. Depts.

To The Secretary to the
Govt of H.H. the Maharaja
of Mysore, Muzrai Dept.

Dated 20th
Despatched December 1905.
Received
General No. R. 7577
No.
ENCLOSURE No 1 file

Has the honour to return the Muzrai File No. 24 of 1897 re' Anjaneyaswami temple at Chikkaballi, Chennapatna Taluk, which was sent to this office for reference with his No. 1892 dated 26th October 1905.

"By Order"

For Secretary

of the Government of His Highness the Maharaja of Mysore.

Read:-

Letter No.4994 dated the 15th December 1904 from the Revenue Commissioner in Mysore, submitting for the orders of Government papers relating to the appeal of Kade' Gowda, Patel of the Chickanahalli village in the Chennapatna Taluk, against the Deputy Commissioner's order imposing a fine of Rs. five on the appellant.

(2). Note No.3278/Muz.F.36-97 dated the 28th February 1905 from the Secretary to Government in the Muzroi Department furnishing his opinion on the above.

Order thereon. No. R 8390-1 / Jud. 536-04-2 Dated Bangalore 10th March 1905.

In July 1901, the Amildar of the Chennapatna maluk, found that one Anke' Gowda and Patel Kade' Gowda, the appellant above referred to, had disposed of certain trees and bulls belonging to the temple of Anjaneyaswami at Chikkanahalli in the Chennapatna maluk, and suspended them both from their respective offices of Dharmakarta of the temple and Patel. Kade' Gowda, the latter, appealed against the Amildar's order to the Deputy Commissioner of the Bangalore District who ordered that a fine of Rs. five would be enough and that on payment thereof, he should be restored to his office. Patel Kade' Gowda appealed to Government against this order of the Deputy Commissioner and his appeal was transferred to the Revenue Commissioner for disposal. The Revenue Commissioner has now resubmitted the papers for the orders of Government, as he is of opinion that an important principle is involved, as, in his opinion, the mere fact that the temple is endowed by Government with Inam lands as in the present case does not make it an institution under the management or control of Government officers. He considers that the Amildar of the Chennapatna Taluk was not right in interfering in this matter, and states that, under the circumstances, he

/ould allow the appeal and quash the order appealed against.

2. Tho Muzrai Secretary who was consulted in the matter, states that under Government Proceedings No.223-30/Muz.F.11-96 dated the 6th August 1896, temples endowed with land Inams or cash grants are subject to the control of Government in the Muzrai Department, that the Amildar is primarily responsible for the efficient management of all the temples endowed by Government and that he has to take action against irregularities in connection with ach temples. As regards the obligation of the Patel Kade' Gowda, the appellant, the Muzroi secretary considers that he was bound to bring the irregularities in connection with the fraudulent sale of the trees belonging to the temple to the notice of the proper Department and that his failure to do so in the present case and his connivance with the fraudulent act rendered him liable to punishment at the hands of Government in the Revenue Department under which he was employed. He is therefore of opinion that the action of the Amildar and the Deputy Commissioner in punishing the Patel should be upheld by Government.

3. Government agree in the view taken by the Muzrai Secretary and decline to interfere in the matter of the fine imposed upon the appellant Kadet Gowda.

For Secretary.

To

The Revenue Commissioner in Mysore, returning records.

The Secretary to Government in the Muzrai Department, returning the Muzrai file.

R. Os 4036 & Encls
4036,
729-6-04.

x. 1. Petition & its Encls
2. File of entire records.

The accompanying appeal Petn no 1829 from Kadè Gowda Patel of Chickanahalli village, Channapatna Taluk, appealing against the orders of the Dy Commr, Bangalore Dt imposing a fine of Rs 5 on the appellant in the matter of his having disposed of some trees & bulls belonging to the Sri Anjaneya swami Temple at the place, is forwarded to the Revl Commr in Mysore for disposal. The Vernacular

Rev. Com. forwarded this memo to D.C. Bangalore with his no. 158-2 R 13-8-1904

on this D.C. Bangalore referred to Rev. Comr's with his R.O. 158 R 21-11-04

Rev Co. Dr. returned to Govt with his no 4994 R 15/12/04

Records relating to
the case received with
the Bangalore Deputy Comm'rs
letter No 593 Dy 21st Nov
1902 are also forwarded
herewith for perusal & return
to the Dy Comm'r direct when
no longer required.

By order.

Dewan's order)

15/6/04

Copies forwarded to the Dr
Comm'r Bangalore D'o, in connn
of his D'o No 874 Dy 3rd Nov 1902

By order

CS